



On July 28, 1994, claimant underwent a surgical procedure on his left knee as a result of his injury. During the procedure the claimant was placed under general anesthetic. When claimant was sent home shortly after the surgery he complained of troubled breathing, pain in his throat and pain in his chest. Shortly after arriving home, he began coughing and spitting up blood. Claimant was returned to the hospital August 30, 1994, and diagnosed with significant respiratory problems including obstructive airway disease, adult respiratory distress syndrome, asthmatic bronchitis and chronic bronchitis. Claimant was examined and treated by Dr. Charles J. Brook, a specialist in critical care medicine and diseases of the chest, and Dr. J. Douglas Bradley, a family medicine specialist. Both Dr. Bradley and Dr. Brook felt claimant's respiratory problems resulted from complications associated with the anesthesia administered during claimant's knee surgery. Dr. Bradley indicated while claimant may have had some chronic lung disease prior to the administering of the anesthetic, the surgical procedure with the anesthesia obviously exacerbated his chronic bronchitis. Dr. Brook, opining that claimant had no respiratory difficulties immediately before the surgical procedure, and having suffered significant problems immediately after the procedure, felt there was no question that some of his underlying airway disease difficulty was attributable to the surgical procedure and the anesthesia.

In workers compensation matters it is the burden of the claimant to prove, by a preponderance of the credible evidence, his entitlement to the benefits sought. See K.S.A. 44-501 and K.S.A. 44-508(g).

It is also a rule that when a primary injury, under the Workers Compensation Act, arises out of and in the course of a worker's employment, every natural consequence that flows from that injury is compensable if it is a direct and natural result from the primary injury. Gillig v. Cities Service Gas Co., 222 Kan. 369, 564 P.2d 548 (1977).

Uncontradicted evidence, which is not improbable or unreasonable, may not be disregarded unless it is shown to be untrustworthy. Anderson v. Kingsley Sand & Gravel, Inc., 221 Kan. 191, 558 P.2d 146 (1976).

In this instance, the Appeals Board finds that claimant's respiratory difficulties suffered subsequent to the surgery on claimant's knee, resulted from the anesthesia administered during claimant's surgery. The medical records of both Dr. Brook and Dr. Bradley show that while claimant's respiratory problems may have to a certain degree existed before his knee surgery, the anesthesia clearly exacerbated his condition thus rendering same compensable.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Robert H. Foerschler dated August 8, 1995, should be, and is hereby, affirmed in all respects.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of October, 1995.

---

BOARD MEMBER

---

BOARD MEMBER

---

BOARD MEMBER

c: Mark S. Gunnison, Kansas City, Missouri  
Wade A. Dorothy, Lenexa, Kansas  
Robert H. Foerschler, Administrative Law Judge  
Philip S. Harness, Director